

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NICHOLAS S. CACCIATORE,)	
)	
Plaintiff,)	
)	
v.)	No. 14 C 5107
)	
CAROLYN W. COLVIN, Acting)	Magistrate Judge Cox
Commissioner of Social Security,)	
)	
Defendant.)	

**DEFENDANT’S AGREED MOTION FOR AFFIRMANCE
OF AGENCY DECISION ON REMAND AND ENTRY OF FINAL JUDGMENT**

Defendant Carolyn W. Colvin, Acting Commissioner of Social Security, by Zachary T. Fardon, United States Attorney for the Northern District of Illinois, moves this court for an order affirming the decision of the Commissioner that plaintiff met the disability requirements under the Social Security Act, 42 U.S.C. §§ 423(d), 1381a, and 1382c. Defendant moves this court for entry of final judgment pursuant to Federal Rule of Civil Procedure 58.

In support of this motion, defendant avers:

Plaintiff filed an appeal of an adverse decision of the Commissioner of Social Security in 2014. After a motion by the Commissioner for remand, United States Magistrate Judge Cox issued an order remanding the case pursuant to the sixth sentence of 42 U.S.C. § 405(g). Although the case was closed administratively on the court’s docket, the court retained jurisdiction over the action. In sentence six remands, the court enters judgment after post-remand agency proceedings have been completed and their results filed with the court. *Shalala v. Schaefer*, 509 U.S. 292, 297 (1993).

On December 15, 2015, an administrative law judge (ALJ) acting pursuant to this court's remand order issued a fully favorable decision, finding that plaintiff was disabled within the meaning of the Social Security Act (attached). The time has expired for plaintiff to file exceptions to the ALJ's decision and for the Appeals Council to review the case on its own motion. 20 C.F.R. §§ 404.984, 416.1484. The case, therefore, is concluded and this court should affirm the Commissioner's decision on remand and enter judgment. Plaintiff agrees with this motion.

A proposed order will be submitted to the court's proposed-order email address.

Respectfully submitted,

ZACHARY T. FARDON
United States Attorney

By: s/ John D. Cooke
JOHN D. COOKE
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-8788
john.cooke@usdoj.gov

Of Counsel:

KATHRYN CALDWELL
Acting Regional Chief Counsel
Social Security Administration

SARAH G. MALIA
Special Assistant United States Attorney
Office of the Regional Chief Counsel
200 West Adams Street, Suite 3000
Chicago, Illinois 60606